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STATE PASS TO DRL/MLGA DANIKA WALTERS

E.O. 12958: DECL: 04/29/2018

TAGS: [PGOV](#) [PREL](#) [ASEC](#) [BL](#)

SUBJECT: AMBASSADOR'S MEETING WITH VICE FM FERNANDEZ

REF: STATE 40380

Classified By: EcoPol Chief Mike Hammer for reasons 1.4 (b) and (d)

¶1. (C) Summary: During an April 28 meeting with the Ambassador, Vice Foreign Minister Hugo Fernandez explained the government's push for statements supporting Bolivian unity from the OAS and other international institutions were intended to ensure that May 4 is carried out without violence. When the Ambassador asked what additional statement the GOB would like from the United States, Fernandez had no answer. The Ambassador took this opportunity to remind the government of its obligations regarding Embassy security, particularly as May 1 and May 4 approach.

¶2. (C) Turning to other issues, the Ambassador was assured our dipnote complaint about aggressive surveillance of our Santa Cruz facility would be taken to the Foreign Minister. Fernandez admitted the legal case for espionage against former Assistant Regional Security Officer Vincent Cooper was unprosecutable, but lamented it would go on until a judge throws it out. He attributed this to "weaknesses" in the Bolivian court system. Fernandez said a dipnote exchange constituting an agreement to provide legal protection for visiting U.S. military units was "dead" unless we could repackage it as a "new" agreement. He also warned that a dipnote was forthcoming to complain about Assistant Secretary Thomas Shannon's April 24 characterization of conspiracy charges against the Embassy as "stupid." The Ambassador also delivered reftel demarche on support for the U.S.-EU prisoners of Conscience Declaration. End Summary.

Suggested Text for U.S. Statement: Silence

¶3. (C) The Ambassador met with Vice Foreign Minister Hugo Fernandez April 28 at the Embassy's request. On President Morales' public calls for the Ambassador to "tell the truth" on the May 4 autonomy referendum in Santa Cruz Department (state), the Ambassador asked what type of statement the Bolivian government wanted. Fernandez had no response and

told the Ambassador, "Don't worry about it." Fernandez's only other mention of the issue was to note that "the entire world thinks this way, except you," implying international opinion favored the government's legal arguments. (Note: With the exception of Venezuela, Cuba, and Nicaragua, we are unaware of any country or organization that has taken a view on legal issues pertaining to the Santa Cruz referendum. End Note.)

#### OAS Support Needed to Deter Violence

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14. (C) Fernandez explained the government was trying to enlist international support in order to send a message to the opposition that they would "share" the blame if there is violence May 4. "Clearly, the government is the most responsible to prevent violence, but we are not the only ones responsible. If the opposition assumes no one will take them to task if there is violence, they will not act with caution."

#### Security: Mission Rights and GOB Responsibilities

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15. (C) The Ambassador delivered a dipnote (127/08) complaining about recent aggressive surveillance April 11 at our Consular Agency in Santa Cruz. (Note: A military intelligence non-commissioned officer openly took photographs and drew pictures of the Consular Agency; he was particularly uncooperative and belligerent with Bolivian police. End Note.) The Ambassador emphasized that this is not the first time the Mission has complained about aggressive surveillance, that this was not conducive to friendly relations, and that we have the obligation to be concerned about terrorist and other threats to our facilities. The Ambassador also reminded the Vice Minister that the Embassy had been attacked by protesters with dynamite October 17, 2007 and noted that the Embassy hopes the government shares our concerns about security this week in conjunction with the May 1 holiday and the May 4 referendum. Fernandez said he did not know anything about the incident in question, chuckled that it appeared the surveillance had been "very poorly executed," and promised to take the issue up with Foreign Minister David Choquehuanca.

#### Fernandez: Cooper Case Baseless, but Media Show Will Go On

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16. (C) The Ambassador revisited the issue of legal action against former Assistant Regional Security Officer Vincent Cooper. The Ambassador asked Fernandez if the Foreign Ministry had forwarded the dipnote explaining Mr. Cooper's full immunity to the prosecutors involved in a case of alleged espionage against him and, if they had, why the highly-publicized case is continuing. Fernandez agreed that Cooper was immune, but explained this is a "special case" and that "Bolivian justice has its weaknesses." He assured that eventually a judge will throw the case out, but until then prosecutors have a certain freedom to explore cases and sometimes do so publicly. The Ambassador argued that the image being created is that the U.S. is not cooperating in a case of espionage, when the reality is that there was no espionage and, moreover, no case to cooperate with. Fernandez simply nodded and said, "We agree."

#### 505 Prospects Good; Dipnote SOFA "Dead" in Current Form

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17. (C) Fernandez said the exchange of dipnotes constituting a 505 agreement and needed to release \$1.2 million in U.S. Peace Keeping Operations (PKO) funds was being reviewed and had the support of both the MFA and MOD. He said the MFA was waiting on three precursor agreements mentioned in the U.S. dipnote (093/08). PolOff provided one of the three and told Fernandez he will forward the other two when they are found.

18. (C) Fernandez was much less optimistic about the prospects of exchanging dipnotes regarding the status of U.S. armed

forces units deployed in Bolivian on humanitarian missions, which he called "dead" in its current form. He assured there was not issue with the content or text of the agreement, but confirmed the agreement has hit a political brick wall in the cabinet. Despite our repeated explanations to the contrary, Fernandez said some ministers and President Morales himself continue to believe a photo of President Morales with Iranian President Mahmoud Ahmadinejad used in a presentation given by SouthCom Commander Admiral Stavridis was "an insult to our president." Fernandez advised presenting the agreement with a new name in order to overcome the knee-jerk negative reaction that "some ministers" have to the perception "we are approving all the old agreements of prior governments." The Ambassador sought assurances that if such efforts were made on our part, an approval would be forthcoming, but received none. Fernandez lamented that the government is torn between sensitivities they are perceived as old government "collaborators" with the U.S. and the understanding that their intransigence is blocking good programs from benefiting the Bolivian people.

#### Government Upset About A/S Shannon's Comments

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¶9. (C) Fernandez complained about Assistant Secretary Shannon's April 24 comments to a Brazilian newspaper dismissing government conspiracy accusations against the Ambassador are "stupid." Fernandez likened the remark to Admiral Stavridis' presentation, which had offended the government. Although he conceded the accusations are, in fact, "stupid," he added that Assistant Secretary Shannon was being "excessive." The Vice Minister told the Ambassador a formal dipnote denouncing the statement would be forthcoming, although the Ambassador advised against it, adding that if this was the threshold for dipnote indignation, he would be writing a dipnote every day. "Are you really this sensitive?" asked the Ambassador. "Yes we are," replied the Vice Minister.

#### Be Patient, Take Insults, Relations will Renew

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¶10. (C) A few minutes later, Fernandez cautioned the Ambassador not to be sensitive to government criticism and instead focus on essential issues of bilateral concern, such as democracy and human rights. He cautioned that we should not take current bilateral troubles too seriously, rather to have patience and "wait for the right time" as officials in the new government work out their historical resentments toward the United States. He said our recent trouble with renewing agreements and relationships (most notably the government's relationship with USAID) would likely be temporary, although he clarified there is "no problem" with the United States inside the MFA. "We have suspicions not because these are bad agreements, but because they are old. Without new agreements there will always be suspicions." Fernandez confided he did not believe in the accusations against the Ambassador, but explained that the Ambassador had an historic tenure during a time of dramatic change in Bolivia during which he would have to bear insults so that bilateral relations might have a fresh start. The Ambassador noted a certain irony in a government that speaks of "change" being so wedded to resentments of old. Fernandez admitted even the most hard-line government officials understand "we cannot have bad relations with the United States."

#### Prisoners of Conscience Declaration

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¶11. (C) The Ambassador delivered reftel demarche concerning the U.S.-EU Prisoners of Conscience Declaration. The Vice Minister said on first review he was in favor "in principal" of signing the declaration and would press the issue with UN counterparts. He mentioned the poor record of human rights of North Korea and Myanmar, but made no mention of Cuba.

#### Comment

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¶12. (C) Fernandez's big-picture, stock answers to our concerns: "don't worry about it," "give it time," and "this is how politics are played in Latin America" are quite familiar. Unfortunately, radicals in the government's inner circle are likely to reign over cooler heads, like Fernandez, who are inclined to wait out problems rather than try to change "suspicious minds." His "prosecutors will be prosecutors" explanation of why the Cooper case continues to be pursued is also more of the same. He admitted the case has no merit and was legally unprosecutable but stopped short of admitting the case is being used as yet another GOB media poker to stoke rumors of U.S. conspiracy.

¶13. (C) When we gave Fernandez a chance to suggest wording for a U.S. statement on May 4, he was mute. This belies the government strategy and double talk: there is no correct answer for us. If we make a declarative statement on the referendum not to the government's liking, we will be criticized as meddling in internal affairs; if we don't make such a statement, we will be criticized for being silent. Finally, if we make a statement similar to that of the EU or Japan, the government will misrepresent it as "proof" that the Santa Cruz referendum is illegal. In short, our designated role is to play the foil regardless of our actions or statements. End Comment.  
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